

606

Halifax

TO THE

On the sub
Halifax has lab
Council, and to
tend to justify
is accustomed t
slanders of som
tent that numb
and whose jud
be heard, have
which bears up
is more particu

ORIGIN OF TH

Nine or ten y
cussed the prop
City Court Hou
venience to the
improvement w
that the questio
should be mad
money to erect
five or six year
to the Legislatu
in the House o
debate and div
the rules of the
ruary 1872, wh
plan of a City I
Seeton moved a
the Imperial au
City Hall. Th
the same month
tion for establis

CAN
F
1039.5
.H17
.H17

L.T.S. Pam Box. F5
1874
Halifax, N.S. City Council.

TO THE RATE-PAYERS OF HALIFAX.

On the subject of the proposed City Hall the Press of Halifax has laboured assiduously to misrepresent the City Council, and to conceal from the public all the facts which tend to justify the resolutions of that body. The Council is accustomed to misrepresentation, but in this instance the slanders of some of the City papers have been so persistent that numbers of citizens, whose opinions we respect, and whose judgment is in suspense until both sides shall be heard, have requested us to publish all the information which bears upon the subject. To such citizens this paper is more particularly addressed.

ORIGIN OF THE SCHEME FOR A CITY HALL IN HALIFAX.

Nine or ten years ago, the City Council of that period discussed the propriety of altering the whole interior of the City Court House, with a view to giving more room and convenience to the City departments. The necessity for such an improvement was felt on all sides, but it was finally agreed that the question should be postponed, and that application should be made to the Legislature for power to borrow money to erect a City Hall. The subject then dropped, but five or six years ago the Council took it up again and sent to the Legislature a bill for the purpose. The bill was lost in the House of Assembly—not, (its friends assert), upon debate and division—but by another process unknown to the rules of the House. The project was next revived in February 1872, when a committee were instructed to have a plan of a City Hall prepared. In the following month Ald. Seeton moved a resolution having in view the purchase from the Imperial authorities of the Fuel Yard, as a site for a City Hall. This proposal was not carried out, but during the same month Ald. Nisbet submitted a plan and resolution for establishing a City Hall by remodelling

THE MARKET HOUSE.

This proposition was rejected by a vote of 7 to 4—the principal objection being to the site. Some citizens have lately advocated that site on the ground that it is almost unused as a market and would cost the city nothing. The facts are these. There is a debt on the Market House property of about \$10,000, being a balance due on the cost of the building. This sum is secured by debentures which form a charge on the property, and must therefore be paid off if the property is to be used for any other purposes, and the law provides that they shall be paid off by the accumulation of the rents of the building. We begin then with the fact that the Market House site would cost \$10,000. The public have been told that the property is entirely unproductive in its present shape, but the fact is that the Market House now yields in rents \$1,200 per annum, and that on the day when the Legislature allows the main building to be used for other than market purposes it will yield in rents at least \$2,200 per annum. But before an inch of that property can be used for City Hall purposes an act of the Legislature must be obtained to sanction the change. Those who know best the feeling of the Legislature on such questions, believe that the application would be futile. Some years ago the City Council made repeated efforts to get an Act passed to put down the nuisance caused by hay and other country produce being vended in the streets, and the bills were indignantly thrown out, and the Council were told—not that the market property could be sold or used for other purposes, but that the scantiness of market accommodation of all kinds was discreditable to the city, and that the present market property should be improved and added to as quickly as possible, as a matter of justice to the country people, whose representatives had the controlling voice in the Legislature. So strong has the feeling been in the Legislature on this question, that the Council has not ventured to ask leave to hire out the main building, although by having such power they could add at least \$1,000 a year to the City revenues. The plan of Ald. Nisbet was further stated to be objectionable, because it proposed to raise and enlarge the present building, which had been pronounced on examination by competent architects unable to support the added weight which would thus be placed on its walls. Another suggestion made in connection with this site is that the present City building should be torn down, the remainder of the triangle on which it stands be purcha-

sed, the building on that part likewise destroyed, and the whole block kept as an open square. However desirable these improvements might seem under some circumstances the fact that an outlay of about \$70,000 must be entailed before the first stone of the City Hall could be laid, would seem to be rather a strong objection to the scheme. So much for the Market House site and the action of the Council on that proposition in 1872.

In the early part of the present year at the instance of Ald. Seeton, a bill was prepared and sent to the Legislature to authorize the erection of a City Hall. It was supported by a large majority of the Council, and a committee was sent to take charge of the bill and give information in its passage through the Legislature. That committee attended at numerous debates before committees of both Houses, which debates were attended, and partly conducted, by outside citizens, who took an interest in the question. Secrecy was avoided, the discussions were reported, examination was invited, and members of the Council were anxious that the public should not only have full information on the subject but should make known their views clearly before the Council should come to take the important steps of borrowing the money, selecting a site, and proceeding with the work. At this point we take the opportunity of stating succinctly

THE DEMANDS FOR A CITY HALL.

The present City Building was originally the County Court House of Halifax. It was occupied by the County, as well as the City officials, until the Court House on Spring Garden Road was erected. It has been at least fifty years in use. Its repairs cost the city a large sum periodically.

The accommodations for the City Clerk, who is one of the principal officers of the Corporation, are so inadequate that the Aldermen find it very inconvenient to get their business transacted with his department—the Mayor's office is unsuitable and inconvenient, and the whole building, in a sanitary point of view, is so unfit for constant occupation, that the health of some of the City officials has been seriously impaired, and competent and impartial physicians have pronounced it totally unfit for public offices. This testimony was given by Doctors Moren, Farrel, and Wickwire before a committee of the Legislative Council. Add to these circumstances the following facts: The City building gives no accommodation for the Board of Works, who have to hold about seventy meetings in course of a year and require a

place of meeting, in which their officers are within call, and where their plans and correspondence will be accessible. It has no room for the City Engineer, the Foreman of Works, the Clerk of Works, the Assistant Clerk of Works, or the two Health Inspectors. The Board of Works and all these officers are, excepting the Engineer, now huddled up in an old house in Argyle Street, for which the City pays a rent of five hundred dollars per annum. The Engineer occupies an office, (or what might more properly be called an old woodhouse), in the backyard, and in that "office" alone are deposited plans and records which have cost the citizens of Halifax thousands of dollars, every one of which plans and records must in all human probability be destroyed in case of fire breaking out in the vicinity. The City building has no room for the Commissioners of Schools, their Secretary or Supervisor, who have all to be provided for in a building in George Street, at a cost to the City of two hundred and forty dollars per annum. It has no accommodation for the Gastester, who used to have an office in the basement, but who had to remove to make room for police cells and who has now to be provided for outside, at a cost in rent of a hundred dollars per annum. It has no room for the Citizens' Free Library, for which apartments have to be furnished outside at a cost of three hundred dollars per annum. It has no room for the City Auditor, who is soon to be appointed—an officer who should at all times be at headquarters, but must find offices outside at a probable cost of two hundred dollars per annum. It will, in a few days, have no room for the Recorder, as the Treasurer's department will shortly require the office now used by him, and here is another office to be found, probably at a cost of two hundred dollars more per annum, to say nothing of the inconvenience of having located outside of the building an officer who is frequently wanted for consultation at a moment's notice by the Mayor, the Committees, and the City Officers. Nor is there any accommodation at all for the Inspectors of Weights and Measures, the Measurers of Coal, the Weighers of Flour, and other Inspectors who are frequently required at a moment's notice, and who must now be sought at their houses or on the streets. It may further be urged that if accommodation could be found in a City Hall for all these departments, the buildings which the City now hires for them would become at once subject to taxation, from which they are now exempt, and would yield to the city in taxes about a hundred and fifty dollars per annum which is now lost to the Treasury. It is only fair to add to these figures

another hundred and fifty dollars per annum, paid for the use of Temperance Hall and the Rink, year after year for public meetings and school exhibitions,—this outlay would be saved by having a public hall in the new City building, as has been contemplated. The friends of the project were sanguine enough to believe that when to these figures were added the probable receipts to be derived from the public hall or concert room, to say nothing of rents which might or might not be derived from other portions of the building, a saving would be effected quite equal to the annual interest on the cost of the undertaking. If such a prediction be too sanguine every one must at least admit that such demands as we have stated for a City Hall could hardly exist in any other city on the continent without the work of construction being speedily undertaken.

These views were presented to the Legislature, and members of that body examined the buildings now used for municipal purposes. A strict examination was given to the whole subject, the bill finally passed, but with an amendment preventing its erection on

THE PARADE.

This amendment was strongly resisted by the Aldermen, a majority of whom were anxious that the south end of the Parade should be chosen as the site. They looked upon that as a commanding situation and one that would cost the city nothing. In the Legislative Council however this view was strongly opposed on the following grounds: It was stated that the title of the City to this property was more than questionable, also that when St. Paul's Street was laid off to its present width, a piece of property owned by the Parish of St. Paul's, was given up on the understanding that the Parade property should always be kept open, and further that a City Hall erected on that site would be an annoyance to the congregation of St. Paul's. These objections probably had weight with the Legislature, but independently of these views the Upper House was influenced by the great consideration that the public health of the City, and above all its safety in case of conflagration, required that every public space now established should be kept open for all time to come. These views are favored by many of our citizens,—they are to some extent supported by the press, and it is impossible to conceive any ground upon which the Legislature can be expected to stultify itself by reversing this deliberate decision at its next session, when not a single argument can be advanced on either side that has not been already fully weighed, and when the op-

position to the choice of that site has been largely increased rather than lessened.

THE COMMITTEE.

The Bill to authorize the erection of a City Hall having thus become law, the City Council after some weeks notice had been given of a resolution for that purpose, appointed a Committee of one Alderman from each Ward to select a site for the Hall, and to report thereon to the Council. The Committee consisted of Aldermen Fraser, (Ward 1), Coombes, (Ward 2), Forsyth, (Ward 3), Seeton, (Ward 4), Thompson, (Ward 5), and Roome, (Ward 6.) Ald. Coombes was appointed Chairman. The Committee, according to the Chairman's statement to the Council, held a number of meetings and considered carefully the merits of every available site, whether actually offered to the committee or not. In a matter of such importance the committee refrained from making any definite selection or reporting positively in favor of any particular site. They merely suggested to the Council in their report that of all the sites which had come under their observation the most eligible were—the site offered by B. W. Cochran, known as the Carlton House property, the site offered by Jas. Farquhar, known as the Board of Works property in Argyle Street, and that offered by J. R. Jennett, being the site subsequently chosen. About a week previous to this report being presented the Chairman was interrogated in Council as to the date at which the committee would probably report, for instead of being hasty in coming to a conclusion, their fellow members of Council were inclined to think them tardy. The Chairman in answer to this question foreshadowed the report fully, and announced that he would report finally at the following meeting. This announcement gave the citizens an opportunity of knowing that the business of selecting a site would be before the Council at its next meeting. If the press did not give prominence to the announcement, the Council can hardly be blamed for this lack of interest—exhibited as it is on many other important questions. It gave the Aldermen likewise an opportunity to examine and consider the merits of the respective sites.

SELECTION OF A SITE.

On 15th July the Council met, and among the first papers handed in was the report of the committee just referred to. (See Appendix). The opponents of the Council have made a handle of the fact that at this meeting the subject was not on

the order of the day. The best answer to such an argument is to state what the invariable practice of the Council has been for years past. After the reading of the minutes, and before the order of the day is taken up, papers are handed in by the various Aldermen—being petitions, resolutions and reports. The petitions are read and referred to the various committees, the resolutions and reports are read, and if their subject matter is urgent, or if there is no serious difference of opinion on them among members of Council, they are discussed and voted on at once, and before the Council goes to the order of the day. Only such matters are deferred, to take their place on the future order of the day, as are likely to cause a protracted discussion. The order of the day is proceeded with when these new papers have all been either despatched or laid over. On this occasion the report was read and the question arose whether it should be voted on or deferred. The attention of the Council was called to the fact that the Queen Street appraisement had that day to be confirmed or rejected, and it was urged that as persons had been summoned to attend the Council on that business, the appraisement should be disposed of before any other matter was considered. Accordingly a vote was adopted to the effect "that this matter" (being the report of the City Hall Committee), "be taken up next after the Queen Street appraisement." The appraisement having been confirmed the report was again read, and the question arose—should it be adopted or deferred? According to the established rule just stated, the report should have been then voted on, unless a conflict of opinion on its merits existed. To settle the question Ald. Coombes moved "that the report be adopted and that the Council do now proceed to select one of the sites." He prefaced his motion with a most energetic address, in which he stated it to be his desire to shew the opponents of the Hall that they could not defeat the project by creating a division of opinion as to the selection of a site, asserting emphatically, that instead of having any intention of being factious in his opposition, in the event of his favorite site not being selected, he would cordially co-operate with the majority and would be glad to have "the first sod turned," or the first stone of the building laid, "to-morrow, on any site that the Council might choose." Ald. Power recommended delay, in order that the whole Council might go and examine the sites in a body. To this it was answered that that duty had been referred to a committee, and that the report embodied the results of their enquiry—also that nearly all the members of Council had already examined the several sites reported on. Ald. Seeton spoke for delay—not on his own account, because he was a member of the committee that had made the examination and report, but in

case other members of Council were not acquainted with the sites. As no one, however, expressed a wish to avail himself of this offer of delay, or professed to be uninformed on the business in hand, the objection was not pressed, and Ald. Coombes' motion was carried without dissent. The choice then lay in the three properties mentioned. Mr. Cochran asked for his property \$42,000. It was an irregular block containing about 8600 square feet of land, measuring about 75 feet on Argyle Street, 141½ feet on Prince Street and 42 feet on Barrington Street. His offer was considered out of the question, because on the day when the report was presented the wing which fronted on Barrington Street had been disposed of, and the offer could not be carried out even if accepted. The property offered by James Farquhar consisted of two blocks of land: The Mott property in Argyle Street 80 by 60 feet or thereabout, and the Grant property in Argyle and Grafton streets 40 feet on Argyle street, 86 feet or thereabouts on Grafton, street and 120 feet deep. These two blocks were put in at \$16,000 and \$15,000 respectively, and contained about 11,440 square feet. One peculiarity about this property was that the block offered to the City at \$15,000, the City had under a lease, with the right of purchasing at \$10,000. The property was entirely unsuitable, first because of its inconvenient shape, which would make a very awkward style of building, next because it was situated near a very large manufactory which caused an almost constant noise and vibration and increased the risk of fire. Ald. Coombes moved that Mr. Farquhar's offer be accepted, but the motion was not seconded. The property offered by Mr. Jennett was really the only one on which the choice could fall, and it was then unanimously accepted by the following resolution, written at the table, and moved by Ald. Vaux—not carefully prepared before-hand and drawn from his pocket, as has been asserted by the inventors of the bogus stories about "rings" and "jobs:" "Resolved that the City Council accept the proposition of J. R. Jennett, Esq., offering his premises on Lockman Street Extension and Poplar Grove for the sum of \$35,000, and that His Worship the Mayor be authorised to have debentures issued, bearing interest at six per centum per annum for the purchase of the same, and that on the necessary documents being completed such debentures be handed to J. R. Jennett, Esq."

THE JENNETT SITE.

We ask the attention of the public now to a few facts about this site. It is a block of land nearly square, containing nearly

18000 square feet fronting on Lockman Street Extension 124½ feet—on Poplar Grove 150 feet and extending in depth, between the two about 150 feet. The price per foot of the three properties stood thus :

The Jennett property about \$1.90 per foot.

The Farquhar “ \$2.70

The Cochran “ \$4.88 “

The price per foot was less than half what was realized for some properties a short distance to the southward not long before, and was no greater than the price asked and given for properties half a mile farther north. The property was within a hundred and sixty feet of Water Street, within two hundred and fifty feet of Jacob Street, and within forty feet of Temperance Hall, which has generally been considered pretty central. It was, as regards North and South, in the centre of the City as nearly as that centre could be arrived at. The public have been told that a building should not be located according to its distance from “imaginary lines,” but it is something new to be told that the boundaries of Halifax, are imaginary lines. They are the natural, plainly defined limits of the Peninsula and the man who would locate such an edifice regardless of those limits—regardless of the northward and westward growth of the City, and with a view only to the business centre of to-day, must be blind to the evidence of the senses, and must forget that Halifax is to have a future. Even as regards the present business centre, the location is not inconvenient, nor farther removed than many of the public buildings in other cities, although the public have been told stories about the miraculously short space of time in which some persons have, (according to their own account), travelled between those buildings in American, Canadian and English cities. If the argument should prevail that all the offices of the Dominion and Local Governments, the Banks, the Markets, the Hotels, Telegraph office and City departments should be concentrated within a stone’s throw of each other, why should they not all be collected in a single block? Or why is it that such a rule has been discovered to be sound in Halifax alone? It is moreover something new to hear that the City building has any necessary connection with the institutions just named, and yet such are the objections invoked against the selection made by the Council. Another objection is that the locality is obscure. The obvious answer is that the main front of the building would be on the greatest thoroughfare in Halifax, extending as it does from end to end of the City, and travelled by almost every person who comes by rail, or steamer to Halifax. It is true that the Extension has not been rapidly built up since its opening, but that is perhaps another reason why such a site should

be chosen. The street costs the City for interest about \$8000 per annum, and it is desirable that the properties along its line should be built up, in order that the Treasury may have a set-off in the shape of rates and taxes. As regards the price of the property, it has been stated that a year ago or more, it was offered to a company at \$16,000. This is true only of a fraction of the property—the site accepted by the City was never offered in a single block before. While Mr. Jennett is the only person known by the Council in the bargain, the Committee and other members of Council, were aware that it embraced these properties, viz. :

Mr. Jennett's original property which had cost him about.....	\$22,000
Mr. W. M. Harrington's property included in Mr. Jennett's offer and which cost Mr. Jennett	\$6,000
A portion of Mr. Jno. Woodill's property, costing Mr. Jennett.....	\$4,000
A portion of Dr. Curran's property costing.....	\$2,000
	<hr/>
	\$34,000

Mr. Jennett further represented, that to obtain immediate possession of all the houses let to tenants on these properties, would require a considerable additional outlay.

This property having been accepted by the resolution above given, the Mayor on his own responsibility, caused the following letter to be sent next day to Mr. Jennett, enclosing Alderman Vaux's resolution :

“ HALIFAX, 16th July, 1874.

SIR,—

I have the honor to enclose you a copy of a resolution which passed at a meeting of the City Council, held yesterday in reference to the purchase of property for a site for the new City Hall.

I am Sir,

Your obedient servant,

(Signed.) THOS. RHIND, City Clerk.”

To J. R. JENNETT, Esq.”

It may here be added that by agreeing to pay for the property in debentures at par, bearing six per cent. interest, while the Act authorised seven per cent. to be paid, the City was avoiding any losses by discount, brokerages, or high rates of interest on this \$35,000.

OPPOSITION TO THE ACTION OF THE COUNCIL.

On the day following the action of the Council, the press commenced to animadvert on the proceedings. The vote was declared hasty—the site was pronounced useless—the public were told that this matter had been sprung upon them—several papers declared that the whole transaction was a job in which the Aldermen had sold their votes, although the writers and publishers knew in every case, that these were malicious slanders, and one of the papers afterwards gave, as a tit-bit for its readers, (native invention having been exhausted), a story about the corruption of the Council which appeared in a paper in another Province, although every person connected with the paper copying it, knew that every line and word of the story was false and made out of whole cloth. The scandalous charges which have been made are perhaps too base to notice, but once for all we make the assertion—and challenge the slightest proof to the contrary—that not a single member of the Council was interested directly or indirectly to the extent of a single dollar in the selection of the Jennett site. In a few days however, the excitement fomented by the press took the shape of a requisition to the Mayor, asking that a public meeting be convened to test public opinion upon the “unanimous vote of the Council in selecting the site for the City Hall.” Although this was a matter that immediately concerned his Council and involved perhaps a censure on their proceedings, the Mayor appointed and advertised the time and place of the meeting at the instance of their opponents and without consulting a single alderman. After the advertisement appeared some of the Aldermen were given to understand that the Mayor would decline to preside at the Meeting, and thinking that it was his duty to take the chair, and that the maintenance of order and free discussion would probably depend on his doing so, two of the Aldermen waited on him and requested that he would call an informal meeting of the Aldermen to consult upon this and other points, preparatory to the meeting. Instead of doing so he summoned an ordinary meeting of the City Council to be held on the day of the meeting, the notice adding “*in the Committee-room,*” but as the law declares that the meetings of the Council shall be public and as any secret action of the corporate body would not only be unprecedented, but would be highly improper at such a time, and be the subject of justly severe comment, the Aldermen remained absent with two exceptions. They attended the meeting however, in the evening, without being

aware of what resolutions were to be moved against them—what speakers were to occupy the platform, what limit would be set to the speaking, or whether any but the opponents of the Council would be allowed to speak. The meeting, as far as its organization and arrangements went, was therefore in the hands of our opponents, and the only wonder is that greater unanimity did not exist among the speakers, and prevail among the audience, who were specially summoned to condemn the City Council. The proceedings of the meeting having been pretty accurately reported, it is unnecessary for us to detail what was said and done. Suffice it to say that the speakers opposed to the action of the Council, were almost without a single exception, men who were the declared opponents of any and every City Hall scheme.

Those opinions evidently had a numerical preponderance in the meeting, and, as a consequence, the only observations addressed to the real subject in hand—the choice of a site and against the resolution of the City Council—consisted in a few jocularities which would have been equally pleasing and successful if applied to any other locality in the city. The principal objection urged then and since was as to the “haste” of the Council in taking action. We have already examined that question as viewed in the light of the established practice of the Council. Let us now consider whether the vote was hasty as regards the citizens at large. The public had notice four months previous that the Council had resolved to build a Hall. Step by step the bill passed through that body, it was published *in extenso*, it went to the House of Assembly, was debated there in committee and in the House, it went to the Legislative Council and was debated there still more carefully, it became law and the Council acted on it by appointing a Committee to select a site, after a resolution which had laid on the table for weeks. The Committee deliberated for nearly a month, they announced that they would report at an early day. All these proceedings were taken and were published to the world in course of that four months, and not a single man of the numbers who afterwards declared themselves opposed to the City Hall project, raised his voice against the scheme to protest against its being carried further or took the trouble to send a petition to the Council or to the Legislature to stay action. A moderate editorial appeared in one of the papers against it, but the article awakened no response in the community, excepting a favorable one to the project from another journal. The mouths of those who

opposed the building of a Hall should therefore be forever closed on the subject of "hasty action." Those who object to the selection of the site, and to that alone, have been answered by the remarks already made, which shew that in our judgment the site was a good one, and that to have selected either of the other two would have been madness. Of course there are some citizens who have joined the outcry against the Council from motives of self-interest more or less direct—some having sites to offer, some having friends with sites to offer, others anxious to see the City Hall near their own properties, and if the Council, after the convictions of every one of its members had been satisfied as to the action which should be taken, and after having waited four or five months to see whether opposition was to be offered to the project or not, had delayed until the clamours of interested persons should be heard, the business might as well have been indefinitely postponed. The press however resent the action of the Council on another ground, viz., that its editors should have been consulted and their advocacy sought before the final vote. This requirement we think is new in history. If our votes be commendable we have a right to expect the manly approbation of the press,—if they are wrong we expect censure for some better reason than that a ring of Aldermen and Editors was not formed to work up the scheme and carry it at all hazards.

RESULTS OF THE MEETING.

The Council was convened soon after the meeting in Temperance Hall, and a change of base was manifested on the part of some members, a resolution being tabled by way of notice, to defer all further action "on the construction of the edifice," until authority could be had from the Legislature to put the building on the Parade, or Market Square—or in other words—indefinitely. At the next meeting this resolution came up for debate. It was supported by Alderman Coombes, notwithstanding his language on the adoption of the report, and also by Aldermen Seeton, Forsyth and Fraser who had been on the Committee also, and by Alderman Coleman, and Alderman Connolly who had been absent previously. An amendment endorsing the previous action of the Council and giving the reasons therefor, much as they have been given above, was supported by Aldermen Smith, Ackhurst, Power, Ellis, Graham, Thompson, Roome and Vaux, and therefore carried.

Notice of reconsideration was given.

This vote has been denounced as a bold disregard of public opinion, as enunciated in the press and at the public meeting. There is not a man of the majority who is disposed to disregard public opinion—to undervalue the influence of the press, or to set himself up as superior to the opinions of his constituents, but let it be distinctly understood, as we have just fully illustrated, that after ample time had been given for the public to speak, no opposition was heard—no opposition, at any rate, which could be considered a manifestation of popular opinion, until after the Council had adopted a site and *made a plain written contract which any man of business honor and integrity would have been bound in conscience and in law to carry out.* After that had been done we were peremptorily called on to reverse our vote, allow the honor of the Council as a contracting party to be forfeited, submit to be disgraced as no honest merchant would allow himself to be for any amount of wealth—and why? *Because our proceedings were unpopular.* Not a single member of the Council who had reversed his vote, could assert that his own opinions were changed as regards the merits of the question, or that anything had come to light in connection with the property or its price which had not been previously fully understood. If, in spite of its unpopularity, we have stood by a Contract which bound the honor and the public credit of those whom we represented, and which had been made without their previous dissent, and in relation to which we had their authority to act, and have thereby forfeited the esteem of the press and the confidence of some of our constituents, we shall regret the consequences, but we feel sure that when the cool judgment of the community is passed upon the question, and after the excitement of the elections which, we are told, will turn on this issue, the majority of the people of Halifax, and our successors in office, will feel that the stand which we have taken is the right one. Such a view has already been expressed as regards the action of the Council a few months since on a question in which we were not bound up by votes, records and contracts as we were in this case. While alluding to the action of the Council on that question, (the question of Education), one of the city journals has expressed regret that a Council which had manifested liberality and capacity should have “turned the knife to its own bosom,” as it is insinuated we have done, by our action on the City Hall question, and we are assured that we cannot blame either the press or the citizens if our blood shall be, (politically), shed. As that paper has in this discussion been one of the

most fluent in the charges of jobbery and corruption, we may be excused for reminding the public that it is not an uncommon trick for the assassin to pretend that his victim has been a *felo de se*.

At the next following meeting of Council, the motion to re-consider was voted down, and then followed, by tacit permission of the Council the delivery of

THE MAYOR'S MANIFESTO.

Mayor Sinclair had presided when the Jennett site was accepted and when the report of the Committee had been adopted. He made no remonstrance against the resolution authorising him to sign the debentures, although he might have done so under the rules of the Council when one of the Aldermen asked for delay. The next day he sent the letter to Mr. Jennett without solicitation, and declaring that he did not care for outside opposition. When Mr. Jennett sent the draft of his Deed to him, he did not present it to the Council as he might have done, and ask the Council to proceed no further, but he passed the Deed over to the Recorder to have the title examined and reported on. Now let us see what are the merits of the manifesto, prepared for him, it is said, by two counsel and delivered at the eleventh hour—after the popular breeze had sprung up. The Mayor first deals with certain legal difficulties which he sees in the way. He states that “grave doubts exist as regards the construction of the Act, in reference to the right of the Council to purchase a site.” He solves the doubt by deciding that the Legislature meant that the whole sum of \$100,000 be devoted exclusively to the erection of the building. If he thinks that it was intended to put up a building of that substantial character without a spot of land to put it on, he must either be following some new system of mathematics or be persuaded that the Legislature is doing so. Even if the occupant of the city chair were a lawyer, it would be a matter of very doubtful policy for him to pronounce upon such a matter, without having the opinion of the responsible law adviser of the City, or of some other professional man, whose disinterested opinion the whole Council could hear and act upon, but it is doubly objectionable for a layman in that chair to attempt to construe an act of Parliament, upon which to use his own language “grave doubts exist.” If Mr. Sinclair had a professional opinion, he should have produced it when he was asked, and allowed the public to judge whether or not

the source whence it came was trustworthy. He was asked that question and evaded it, but more of that hereafter. The Mayor says that if it was intended to authorize the Council to purchase a site, the bill would have placed some limit on the amount to be expended for that purpose. This is a very plain *non sequitur*. He then goes on to say that the words "on such site as the Council may hereafter approve," are to be read "on such site now owned by the city" &c. Now let us see whether Mayor Sinclair wrote like a man of good sense or not, when he put that construction on the Act. The city owns, we will assume, the site of the present building,—the Legislature did not mean that we should put the Hall there, because it gave us special leave to sell it. Nor did it mean that we should use the Parade, because that was expressly forbidden—nor the Market Square, because that is bound up for a particular use by act of Parliament, and by a burden of debentures—nor the Fish Market, surely, nor the City Wharf properties, because they are granted on condition that we shall keep them free and open forever, nor the Prison property, because that is bound up like the Market property, even if it were not open to the objection sometimes urged against the Jennett site of being "too far north;"—nor the City Hospital lands, because after we had built on and improved that property it was all taken from us and given to some of the gentlemen with whom Mayor Sinclair is co-operating in this business, leaving the City only the debt to pay. Nor did the Legislature mean the Common, because it requires an act of Parliament to enable us to use a foot of land there, and even then our right might be questioned. There is therefore no city property on which the Legislature could have intended that we should put the building, unless it be the marine esplanade at Freshwater Bridge. Now Mayor Sinclair either thinks that the Legislature intended that the City Hall should be put there, or he wrote nonsense, and read it to his Council. He naturally felt dismayed after grappling alone with these grave doubts, but assured us that he became strengthened when he remembered that it was universally admitted that the balance of the \$100,000, viz \$65,000 was entirely inadequate to erect such a building as that contemplated. In the first place nothing of the kind is "universally admitted," but even if it were, it is childish to talk of construing an act of Parliament by any such assumption—nay, it is worse, it is a deliberate attempt on the part of Mr. Sinclair to mislead the citizens, because he conceals from them the fact that the City Hall act gives power to the Council to sell the old build-

thus enabling us to realize from that source, all that we expend for the purchase of a site, leaving the \$100,000 intact for the erection of the building, and dissipating all the cobwebs with which Mr. Sinclair has sought to surround the question. His objections to impairing the credit of the city by an issue of \$35,000 of debentures are too flimsy to be sincere, and should, at any rate, have been thought of before the Act was passed to authorise their issue. His insinuation that there was unusual haste in adopting the report of the Committee was unfounded, as we have shown, and was an accusation against himself rather than against his Council. The rules of the Council prevent unusual haste,—if he adhered to those rules his insinuation is a very discreditable one,—if we violated them it could only be by his permission, as Chairman, and in contravention of his oath of office. The Mayor, upon the grounds which we have just reviewed, declines to carry out the vote of the Council on the report of the Committee, and he declares that he does so by his prerogative as Mayor. A man so clever in dealing with quibbles as to surround a plain Act of Parliament with obscurities should have favored the public with some authority to justify his assumption of a “prerogative.” Upon that point he could hardly assert that “grave doubts exist” because the state of the question is too plain to make mystification possible. The Mayor of Halifax has no veto power—never had. The law never gave him any, but the legislature, seeming to foresee that an incapable and presuming man might lay claim to the veto, and seek to frustrate the action of his Council, in order to get popularity, enacted the following clause, to cut off the hopes of such a person, and to prevent his having any “grave doubts” about his rights and duties : “It shall be the duty of the Mayor to cause all matters recommended by any Committee, and whereon their reports have been adopted and approved in the City Council, *to be carried into full effect.*” The Mayor swore that he would faithfully carry out this duty on the day when he assumed office, and how he can relieve his conscience from the obligation, even though a majority of the rate-payers should re-elect him and assure him that he is not forsworn, is a mystery which must be left to himself to solve.

The Mayor's Manifesto having been read, he was asked to lay on the table of the Council the legal opinion which he had obtained, as it was well known that he had consulted counsel, and it became important to know what counsellors he had in his opposition to the majority of the Aldermen,

and whether or not any lawyer of standing and reputation would commit himself to the strange doctrines which the Mayor had laid down. He refused to comply with this request and the Council, believing that Mr. Sinclair had disregarded the plain duties of his office, and had treated that body with an amount of discourtesy which was not their due after ten months toleration of incompetency rarely to be found to so great an extent in a public official, voted to adjourn, without doing further business on that afternoon. Several of the majority, hearing that the Mayor had applied to Hon. Mr. McDonald for an opinion, and supposing it possible that the doctrines expressed in the manifesto might have been based on that opinion, and desiring to be set right if they were wrong, applied to the firm of which Mr. McDonald is a member, and received the following opinion :

“ CASE.

The Local Legislature at its last session passed an Act, entitled, “An Act to provide for the erection of a City Hall, in the City of Halifax.” And we are asked for our opinion as to the right of the City Council to purchase a site for such City Hall.

OPINION.

The Act in question authorizes the City Council to borrow a limited sum for the erection of a City Hall, but does not expressly confer the power of purchasing a site, though it enacts that the Hall is to be erected on such site and according to such plan as the Council should thereafter approve.

If the power to purchase a site, rested entirely on this Act, the ordinary rules of construction require that we should examine into the intention of the Legislature, as furnished by the language of the Act ; and for this purpose should attempt to give effect to every word and every clause of the Statute ; and were we then left in doubt as to the intention, we should be governed more by the policy which originated the Act than by the words employed to give it effect.

The intention of the Legislature to enable the City Council to obtain a new City Hall, would evidently be frustrated, if the Act should be so construed as to limit their powers to the mere erection of a building without also providing for a site on which to erect it ; which construction would

also render superfluous the power which the Act confers upon the Council of *approving* the site while it does not provide for the *acquirements* or *selection* of it; and it might as reasonably be contended that that body had no power to order and pay for the plans, which the same clause only empowers them to *approve* of.

In view of the nature and powers of the corporation, we must assume that any real estate owned by the City of Halifax, was acquired by it for the special purposes for which it is now used and enjoyed, and that it does not hold this species of property merely on speculation or to meet the requirements of any such exigency as the one in question; and that therefore the legislature could not have intended that the Council should approve of a site selected out of lands already vested in the City.

But even if such a construction should be put upon the Statute in question as to limit the authority of the Council under it to the mere erection of the City Hall; the City Charter passed in 1864 declares the corporation capable of *acquiring* real estate and empowers the City Council to administer the revenues of the City and to *make, enter into and accept* all contracts in relation to the business of the corporation. (See Secs. 2 and 7.)

We therefore are of opinion that either under the Act of last year alone, or taken in connection with the Act of 1864, the City Council have the right to purchase a site for the proposed City Hall.

MCDONALD & RIGBY.

Halifax, August 14th, 1874."

We leave it to the public to decide which was the more reasonable and reliable guide—the opinion of Mr. Sinclair, whose business training, however complete, did not instruct him in the expounding of Statutes—or that of eminent counsel examining the question with impartial eye. We conceive that if the Mayor had doubts about his line of duty, or about the nature of the law, he should have sought the advice either, of the law adviser of the City, or other counsel, and have been guided by that advice,—the consequences of his not doing so have been the confusion which has followed and the litigation which now seems inevitable. If his action were to be justified, every vote and proceeding of the

Council could be set at naught and the City could be ruled by a single man.

The subsequent proceeding of the Council in ordering the Manifesto to be expunged from the records of the Council was strictly in accordance with the rules of the body. Its records are for votes of the Council and reports of the Committees—not for speeches, oral or written, of its members, or for manifestoes, circulars, protests or electioneering papers however wise and profound.

Having thus laid before you, fellow citizens, the simple facts which bear on this whole question, with but little comment, we are satisfied to abide your decision. We have been convinced that only a plain narrative is necessary to refute scores of the accusations which have been laid at our doors, and we claim that an unprejudiced perusal of that narrative will show conclusively the truth of the following propositions :

That we came to a decision upon this question with none but honorable motives and with no want of care and deliberation.

That the opposition which arose to our proceedings, springing as it did chiefly from hostility to the whole project of a City Hall, and inflamed by abuse, and appeals to prejudice, came at a time when the Council could not honorably withdraw from its position.

That the stand taken by the Mayor is not in accordance with law or with safe principles, while the arguments on which he justifies his policy are unsound.

That the majority of the Council cannot be justly accused of defying public opinion because they adhered to the course which they were legally and in honor bound to follow, and maintained firmly the rights which your representatives at the Council Board have always enjoyed, and which we are bound to preserve for our successors.

If these positions are maintained, as we believe they ultimately will be, the satisfaction of knowing that we have

done our duty and upheld right principles will atone largely for the violence and abuse which our opponents have used in attacking us.

WILLIAM ACKHURST,
WILLIAM BARRON,
M. J. POWER,
J. S. D. THOMPSON,
JAMES R. GRAHAM,
DAVID ELLIS,
C. C. VAUX,
DANIEL SULLIVAN,
RICHARD T. ROOME.

I endorse the foregoing statements except in the following particulars :

I was in favor of the scheme for remodelling the City Market House, believing it to be a practical and economical measure, and gave my support to the Bill in Council, but we could not succeed in carrying it.

I strenuously opposed the City Hall Bill in Council, and also before the Legislature, but in spite of my efforts to defeat it, the Bill passed, and under it the Council were empowered to erect a City Hall on a site to be thereafter chosen. Further opposition on my part would have been only factious and without effect, and when the Council were called upon, by the report of Committee, to select one of three sites—the City Market site having been condemned by the Council, and the Legislature having positively refused the Parade, I felt as free to act in the matter of selection, as if I had advocated the building of a Hall instead of opposing it. It became entirely a different question, and in approving of the site chosen by the Council, I exercised my best judgment, believing it then, as I do now to be the best and cheapest offered, and the Council having unanimously accepted the offer made by Mr. Jennett, I could not, even if disposed, in view of expressed dissatisfaction, honorably reverse my vote.

EDWARD SMITH.

[COPY.]

APPENDIX A.

Report of City Hall Committee.

The Committee appointed by this Council to report upon a suitable site whereon to erect the proposed "NEW CITY HALL," beg leave to report that they have had numerous meetings, at which various sites were submitted for the approval of your Committee, and that after a personal inspection of all the localities offered, and a thorough discussion of their relative advantages, the Committee have thought proper in a matter of so great importance, merely to suggest three of the sites offered as being in their opinion the most suitable to select from, without expressing any decided preference, leaving with the whole Council the responsibility of determining the most desirable and suitable spot whereon to erect the proposed building.

JOSEPH COOMBES, Chairman.

July 14th, 1874.

SCHEDULE OF PROPERTIES OFFERED FOR CONSIDERATION OF COUNCIL:—

FIRST—The Carlton House property and Smith's lots on Barrington Street.

SECOND—The property at present occupied by Board of City Works.

THIRD—The site offered by Mr. J. R. Jennett, facing on Poplar Grove and Lockman Street Extension.

Proposals are annexed.

J. COOMBES, Chairman.

[COPY.]

HALIFAX, 10th JULY, 1874.

To Joseph Coombes, Esq.,
Chairman, &c., &c., &c.,

Dear Sir,

I am authorized to offer you the following properties in Argyle and Grafton Streets, for the City Hall, at the following prices:—

The Mott Property in Argyle Street, 80 by 60 feet, or thereabout, \$16,000.

The Grant property in Argyle and Grafton Streets, now occupied by the City, 40 feet on Argyle by 86 or thereabout on Grafton Street, and 120 feet deep, \$15,000.

The whole for Thirty One Thousand Dollars—and I further agree that the foregoing offer will stand good for one month from this date.

JAMES FARQUHAR,

Agent for the estate of H. Y. Mott, and
James A. Grant.

[COPY.]

HALIFAX, JULY 14th, 1874.

To Joseph Coombes, Esq.,
Chairman in the matter of the City Hall:

Sir,—

I beg to enclose you herewith, a plan of my property on Lockman Street Extension, and Poplar Grove, which I offer to the City as a Site for the new "City Hall," for the sum of (\$35,000.) Thirty Five Thousand Dollars in City Debentures at par.

Yours, respectfully,

J. R. JENNETT.